

News Release



U.S. Department of Labor
Office of Public Affairs
Washington, D.C.
Release Number: 08-1685-NAT

For Immediate Release
Nov. 13, 2008
Contact: Amy Louviere
Phone: 202-693-9423

MSHA issues first-ever pattern of violation notice ***Patriot Mining LLC failed to reduce rate of significant and substantial violations***

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) has issued its first-ever pattern of violations notice to a mine operator. Patriot Mining LLC of Wise County, Va., received the notice as a result of repeated violations of mandatory health and safety standards. This enforcement sanction was authorized by law in 1978 but was not systematically used until June 2007, when MSHA issued its first letters to mine operators indicating a potential pattern of violations.

“This operator had a pattern of exposing miners to potentially life-threatening injuries and illnesses in violation of the law and was given every opportunity to turn around its safety record but failed to do so,” said Richard E. Stickler, acting assistant secretary of labor for mine safety and health. “Hopefully, this stronger enforcement action will induce the operator to implement the necessary improvements at its operation to prevent potentially serious or fatal harm to miners.”

On June 16, 2008, mining operations from around the country were notified of their status as potential pattern of violations operators. In order to avoid being placed on a pattern of violations, each operation had an opportunity to review and comment on the documents upon which the potential pattern of violations was based, and develop and implement a written corrective action plan to reduce significant and substantial (S&S) violations in order to be removed from the potential pattern category. An S&S violation is one that could reasonably be expected to lead to a serious injury or illness.

During the evaluation period, MSHA closely monitored the affected mines’ compliance records. Since Patriot Mining failed to significantly reduce its violation frequency rate, MSHA issued the notice. Consequently, during the next inspection of the mine, MSHA will have to issue an order withdrawing miners from the affected area for each S&S violation found. The withdrawal order can be lifted only after the condition has been corrected.

The mine operator will be removed from a pattern of violations when an inspection of the entire mine is completed and no S&S violations are found or no withdrawal order is issued by MSHA in accordance with Section 104(e)(1) of the Mine Act within 90 days of the issuance of the pattern notice.

Since June of 2007, when MSHA initiated a systematic review of all mines, 43 operations have been notified of their potential pattern of violations. All of the operating mines except Patriot Mining have significantly improved their compliance records. Patriot Mining’s failure to improve stands in contrast to the significant improvements made at other mines.

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